

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NUMBER 25-22896-CV-KMW

Friends of the Everglades, et al
Plaintiffs

vs.

Kristi Noem, et al
Defendants

ZOOM HEARING HELD 7-21-2025
BEFORE THE HONORABLE KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

FOR THE PLAINTIFFS: Paul Schwiep, Esq.
Scott Hiaasen, Esq.
Robert Burlington, Esq.
Elise Bennett, Esq.
Jason Totoiu, Esq.
Tanya Galloni, Esq.

FOR THE DEFENDANTS: Carlos Raurell, A. U. S. A.
Jesse Panuccio, Esq.
Evan Ezray, Esq.
Jeffrey DeSousa, Esq.
David Murray, Esq.

FOR THE INTERVENOR: Chris Ajizian, Esq.

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1
2 THE COURT: The Court calls Case No. 25-22896;
3 Friends of the Everglades, et al versus Kristi Noem, et al.

4 Counsel, please announce your appearances starting
5 with the Plaintiff.

6 You have to un-mute yourself.

7 MR. SCHWIEP: Oh, okay, now I'm un-muted.

8 THE COURT: I can hear you now.

9 MR. SCHWIEP: Good afternoon, Your Honor, Paul
10 Schwiep, Scott Hiaasen and Bob Burlington from Coffey
11 Burlington on behalf of Plaintiffs Friends of the Everglades
12 and Center for Biological Diversity.

13 And I'll let counsel for the Center of Biological
14 Diversity and Earthjustice introduce themselves.

15 THE COURT: Good afternoon.

16 MS. BENNETT: Good afternoon, Your Honor, Elise
17 Bennett and Jason Totoiu appearing on behalf of the Center for
18 Biological Diversity.

19 THE COURT: Good afternoon.

20 MS. GALLONI: Good afternoon, Your Honor, this is
21 Tanya Galloni from Earthjustice, appearing on behalf of
22 Plaintiff Friends of the Everglades.

23 THE COURT: Good afternoon. All right. And if the
24 defendants could announce their appearances as well.
25

1 MR. RAURELL: Good afternoon, Your Honor, Carlos
2 Raurell from the U.S. Attorney's Office in Miami for the
3 Federal Defendants, Secretary Noem and the ICE Director. And
4 in the waiting room -- I don't know if they're allowed access
5 -- from Main Justice are Marissa Piropato and Peter Torstensen.
6 From the Environmental and Natural Resources Division of DOJ.

7 THE COURT: All right. I'll see if we can get them
8 into the Zoom proceeding. As I said, we had only allowed those
9 lawyers who were of record, but now that we have names, we'll
10 see if we can admit them.

11 MR. RAURELL: Thank you, Your Honor.

12 THE COURT: All right.

13 MR. PANUCCIO: Good afternoon, Your Honor. This is
14 Jesse Panuccio for Defendant Kevin Guthrie in his official
15 capacity as the Executive Director of the Florida Division of
16 Emergency Management, the State defendant in the case.

17 THE COURT: Good afternoon.

18 MR. PANUCCIO: With me is Evan Ezray and Jeffrey DeSousa
19 from the State Solicitor General's Office.

20 THE COURT: Good afternoon, gentlemen.

21 MR. PANUCCIO: Good afternoon.

22 THE COURT: All right. And is there anyone here for
23 Miami-Dade?

24 MR. MARIE: David Murray, County Attorney's Office, on
25 behalf of Miami Dade County, Your Honor.

1 THE COURT: Good afternoon.

2 All right. I think we everyone's appearance.

3 MR. AJIZIAN: Your Honor.

4 THE COURT: My apologies.

5 MR. AJIZIAN: Your Honor, if I may, Chris Ajizian on
6 behalf of the Miccosukee Tribe of Indians of Florida. I should
7 have spoken up earlier with the Plaintiffs.

8 We're a proposed intervenor Plaintiff, our motion is
9 still pending, and so we're not in as yet.

10 THE COURT: Oh, yes. Thank you, Mr. Ajizian.

11 There are so many people on the Zoom, and so I did
12 not see everyone on my screen.

13 I do see Ms. Sharpless, who is a "proposed" amicus.

14 Is there anyone else who hasn't been acknowledged or
15 announced their appearance?

16 All right. Before we begin, I want to remind everyone
17 on Zoom, as well as any parties, press and public that are
18 listening in, that it is prohibited to record these proceedings
19 in any way.

20 I also want to remind the lawyers that if you have
21 something to say you must please identify yourself, because of
22 the array of boxes on the screen; so that my court reporter Ms.
23 Sanders can identify who is speaking.

24 And I would ask that you speak clearly, slowly and into
25 the microphone so that Ms. Sanders can make an accurate record

1 of what is being said. All right. Before we begin I will give
2 a very brief, factual and procedural background.

3 This is a suit for declaratory and injunctive relief
4 under the National Environmental Policy Act, the Administrative
5 Procedure Act, Florida Statutes and Miami-Dade County Code.

6 This case was filed, I believe, in June of this year.
7 The Plaintiffs claim that the Florida and Federal Governments
8 have collaborated to construct an Immigration Detention
9 Facility at the Dade-Collier Training and Transition Airport,
10 TNT, without preparing the appropriate environmental impact
11 statement as is required by NEPA and other State and County
12 laws.

13 The TNT is located within the Everglades adjacent to
14 the Big Cypress National Preserve, which is a Nationally and
15 State protected area, that is a habitat for endangered and
16 threatened species.

17 On June 27th Plaintiffs filed their expedited motion
18 for a TRO and a preliminary injunction.

19 On July 11th they again filed an expedited motion for
20 ruling on the TRO and PI.

21 Between June the 30th and July the 18th Plaintiffs
22 supplemented their filings, I believe, with eight notices.
23 Defendant Guthrie objected to the notices, which I think got
24 mooted out this morning when the defendant filed his own
25 supplement; and we'll get to that later.

1 On July 14th, the Miccosukee Tribe filed a motion to
2 intervene. And on July 16th Judge Martinez recused, and I was
3 then reassigned the case.

4 On that same day, Ms. Sharpless on behalf of Florida
5 Immigration Coalition filed a request to be allowed to file an
6 amicus brief.

7 I then scheduled this status conference in order to
8 calendar matters and see what we could resolve.

9 I did last Friday, I believe it was, grant the
10 unopposed motion for extension of time for -- I think it was
11 Defendant Guthrie's answer. That leaves various other motions
12 I would like to discuss.

13 The first one I am going to take up is yours, Ms.
14 Sharpless. While I very much appreciate the effort and the
15 interest you have in our case, as you can see from our
16 assembled counsel, I do not need any additional perspective on
17 this case; I do need resolution.

18 And so at this point, Ms. Sharpless, I am going to deny
19 without prejudice to renew at a later time your request to
20 appear as amicus.

21 Again, I appreciate the time and effort, but I would
22 like to straighten out what I have right now before I bring any
23 other folks into the case.

24 But I know you're there, and so if I need your
25 assistance I will advise you of that.

1 That brings us to the motion to intervene. I am going
2 to ask that the defendants file their response by this Friday,
3 the 25th, since that needs to be addressed.

4 I don't believe in light of everything that has
5 transpired that we can wait much longer.

6 That leads to the other motions I am now going to take
7 up, including the one that was filed a couple of hours ago --
8 and that is Defendant Guthrie's supplemental response -- which
9 is really not a supplement, just as the Plaintiffs' supplements
10 were not technically supplements.

11 So everyone's supplement is going to be recognized,
12 but Plaintiffs, I need for you to respond to this by Friday.
13 It raises a venue issue, which I think is rather important.

14 I knew that TNT was in Collier County, and I thought
15 that -- well, I don't know what I thought about the parties'
16 agreement or perspective on this -- but I do need this issue to
17 be teed up.

18 And so I am going to set a hearing on this issue for
19 Wednesday July 30th at 10 o'clock. And that means if the
20 Defendants wish to file a reply, they may, but in light of the
21 fact that we're going to have oral argument on the 30th it is
22 not necessary; but I leave that to your good offices.

23 MR. PANUCCIO: Your Honor, may I just ask -- and this
24 is Jesse Panuccio for the State Defendant -- will that be an
25 in-person hearing; just to clarify?

1 THE COURT: I prefer that it be in person because,
2 you know, "technology"; although everyone is a big fan. But
3 getting everybody on can be quite difficult.

4 And so for this type of a hearing I believe it is
5 better held in person.

6 MR. PANUCCIO: Just to clarify, Your Honor, in person
7 is fine for the State.

8 THE COURT: All right.

9 MR. PANUCCIO: I just wanted to make sure that I knew
10 in terms of making arrangements.

11 Thank you, Your Honor, I appreciate it.

12 THE COURT: You're welcome. All right. So that
13 takes care of that issue.

14 Let's turn now to the -- the temporary restraining
15 order and preliminary injunction. I really don't know, counsel,
16 what to do with that.

17 I was going to schedule a hearing for next Friday, but
18 I don't know that this venue issue will be fully addressed --
19 and it may be -- but I think we probably need to have a
20 hearing.

21 Mr. Schwiep, will you be handling pretty much of our
22 discussion here today?

23 MR. SCHWIEP: Yes, Your Honor.

24 THE COURT: All right. Before we move forward let me
25 address something for the record.

1 Because I think it is important in a proceeding like
2 this to be transparent.

3 Mr. Hiaasen worked for me 11, 12 years ago -- a long
4 time ago -- as a law clerk. I have reviewed the code of
5 conduct, the appropriate statutes, and I do not believe that is
6 a real conflict.

7 So I just wanted to put that on the record before we
8 proceeded. I am assuming since you all have been dealing with
9 each other for over a month now and know each other, that there
10 is no issue, but I am always mindful of being transparent.

11 So, Mr. Schwiep, if I were to schedule this preliminary
12 injunction how long do you think the hearing would take?

13 Are we talking about a number of witnesses? What is
14 your thinking? Let me hear from you on that issue first, and
15 then I will turn to the lawyer from the Department and then to
16 Mr. Panuccio.

17 MR. SCHWIEP: Thank, Your Honor. We have been able
18 to discuss that issue -- with counsel -- and we do believe that
19 the preliminary injunction hearing will be able to be conducted
20 in a day.

21 We do think the Court would benefit from hearing from
22 witnesses. It looks like there are some mixed factual legal
23 issues, especially in connection with the Federal and State
24 Defendants' position that the operation of this facility is
25 entirely a State endeavor.

1 So we have suggested, and we put this in our renewed
2 motion, that the preliminary injunction hearing be scheduled
3 within 14 days.

4 And that the Court then set up a schedule for the
5 parties to exchange those exhibits they intend to introduce at
6 that hearing, and also to provide a witness list.

7 We also, Judge, feel very strongly, apart from the
8 venue issue -- which we think there is venue in this
9 District -- a substantial portion of the events did occur here,
10 including that the property was commandeered from Miami-Dade
11 County.

12 Not to suggest that venue couldn't also have been laid
13 also in Collier County but a substantial portion of the events
14 occurred here; a portion of the property is in Miami-Dade
15 County.

16 But apart from that -- and we understand you want
17 further briefing on it -- you are going to conduct a hearing.

18 There was no suggestion that Your Honor does not have
19 jurisdiction now. In the initial responses to our initial TRO
20 motion, there wasn't any issue raised about venue.

21 We've renewed that motion. We weren't aware -- and
22 none of us were aware of Judge Martinez's conflict -- but
23 apparently there was one; and he was unable to take up the TRO
24 motion.

25

1 But, Judge, we think a TRO should be entered today -- a
2 limited narrowly tailored TRO -- we've laid out what we think
3 that should look like in our renewed motion; and then a hearing
4 set within 14 days.

5 If Your Honor ultimately concludes that there is a
6 venue -- none of the Defendants have moved to dismiss or to
7 transfer this case if there ultimately is a venue issue -- but
8 that would not moot or end this case; even if there were a
9 venue issue.

10 Again, we do not believe that there is one. But for
11 that reason, we think that a TRO should be entered today, this
12 Court has jurisdiction as of today; and then an injunction
13 hearing be set within the next 14 days.

14 THE COURT: All right. Well, I am not going to enter
15 a TRO today. I have read all of the papers. And I am aware,
16 as you point out counsel, that there are some mixed factual and
17 legal issues -- not as perhaps straightforward as some of the
18 cases cited by both sides -- and in light of that I wanted to
19 have a hearing.

20 I certainly do not want to have a hearing necessarily
21 right on the heels of hearing about the venue issue. While I
22 understand the Plaintiffs have been waiting to have a hearing
23 in front of a Judge -- and have been emphatic about the need
24 for a quick resolution.

25

1 But, again, Judge Martinez's conflict arose with some
2 later filed pleadings; nobody saw that. I needed time to look
3 this over -- and that is why I wanted to talk to you all -- but
4 then the venue issue was raised.

5 So I guess, Mr. Schwiep, I am asking you in terms of
6 time -- how long after our hearing next week would you like to
7 be heard on the TRO and the PI? I think at this point, it's
8 all of a piece.

9 MR. SCHWIEP: Judge, we would request a hearing at
10 the Court's earliest convenience.

11 Again, we think the venue issue will be easily resolved
12 because it doesn't -- under 13912 it doesn't have to be that
13 all the events occurred in this District.

14 Venue can lay in two separate Districts. So long as a
15 substantial portion of the events occurred in this District
16 Your Honor will have venue.

17 So we don't think that belatedly raised issue -- and it
18 wasn't in the initial responses -- and so we are going to argue
19 waiver. We believe it will be easily resolved; and so we would
20 request a hearing at ideally the end of that week.

21 THE COURT: That is what I had originally thought --
22 before the venue issue came up -- would be a good time. But I
23 do think I will need some time to take in your arguments before
24 we proceed.

25

1 So in as much as you still feel it needs to be resolved
2 quite quickly, I will set a hearing for August the 4th at 10
3 o'clock.

4 If in reviewing the venue arguments you have great
5 qualms I will postpone or reset; but I would like everyone to
6 have some direction in going forward.

7 And in terms of logistics, that hearing will be held
8 in person as well.

9 MR. PANUCCIO: Your Honor, if I may.

10 THE COURT: Yes.

11 MR. PANUCCIO: Again, Jesse Panuccio for the State
12 Defendant.

13 I do unfortunately -- and I apologize because it is
14 something I cannot move -- I have something on the fourth in
15 Tallahassee. If I could move it, I would.

16 I can do later in the week, the sixth, the seventh or
17 even the eighth -- I could potentially move something -- but
18 the fourth would be very difficult for me. And I do apologize
19 for that.

20 THE COURT: So, the matter you'll be in Tallahassee
21 on, you think your business may run over to the fifth, is that
22 what I'm hearing?

23 MR. PANUCCIO: Your Honor, I also have a deposition
24 that day, and so I'll be leaving -- but I'll need to get into
25 the deposition -- so I apologize for that, Your Honor.

1 THE COURT: All right. Then what I'll set it down
2 for the sixth starting at nine o'clock.

3 That should hopefully work for you, Mr. Panuccio.

4 MR. PANUCCIO: That does scheduling wise, Your Honor;
5 thank you. As a matter of substance, however, I did wish to be
6 heard briefly.

7 THE COURT: All right.

8 MR. PANUCCIO: It is our position, Your Honor, that a
9 full-blown evidentiary hearing right now is unnecessary.

10 I understand the Court is going to take up the venue
11 issue -- and that be resolved one way or the other -- but if
12 assuming the Court were to say or conclude that venue is proper
13 here, we still have other jurisdictional arguments -- as to why
14 this case cannot go forward.

15 For example, that Immigration detention decisions are
16 not subject to Judicial review.

17 THE COURT: Okay.

18 MR. PANUCCIO: And so we believe that it would be a
19 tremendous use of party -- and Court resources -- to call in
20 witnesses, to prepare for essentially a full blown evidentiary
21 hearing when it could be this case is not -- the Court will
22 conclude the case is not Constitutional at all.

23 And so we believe that attorney argument on those other
24 issues should precede any sort of an evidentiary hearing, Your
25 Honor.

1 THE COURT: I think what you're referring to,
2 counsel, is the Title VIII provision. I do not believe that
3 has really anything to do with what I would be deciding here in
4 this particular action since I am not wading into decisions
5 about Immigration.

6 What I am wading into -- no pun intended -- where this
7 Detention Center has been put out in the middle of the
8 Everglades.

9 Which, again, while I did very much appreciate Ms.
10 Sharpless' request to assist the Court -- my focus is NEPA, APA
11 and not the use of the land.

12 Although I am sure that does go to the State and Ms.
13 Noem's arguments about why in a matter of weeks this facility
14 needed to be created out at TNT.

15 But I have reviewed everyone's submissions and I do
16 not see any other legal issue that would prevent me from having
17 an evidentiary hearing.

18 I understand at that hearing the question of, is it
19 Federal or is it State, is going to be very much contested and
20 discussed -- that I fully expect -- but I do believe that such
21 a hearing is appropriate.

22 With the exception of the venue issue -- which has been
23 raised -- I think we are clear to go ahead and have the parties
24 present their arguments and whatever evidence it is they wish
25 to adduce.

1 And Mr. Schwiep -- or maybe it was Mr. Panuccio -- I
2 know you said you had been discussing how the proceeding might
3 go forward.

4 I know that there are some pictures that have been
5 submitted as attachments and the like; and so I would urge you
6 both to continue to have those conversations.

7 And I think that would be helpful in terms of at least
8 looking at if there are some things that could be streamlined
9 with some of the exhibits.

10 MR. SCHWIEP: Your Honor, this is Paul Schwiep on
11 behalf of the Plaintiffs.

12 To be clear, the Plaintiffs are not seeking any sort of
13 an injunction against the Federal Defendants' obligations under
14 Title VIII; that is detention, removal, deportation -- all of
15 those decisions -- we're not seeking to enjoin any of those
16 activities.

17 In terms of the hearing, the whole Federal, State issue
18 does raise -- as has been mentioned here -- a mix of factual
19 issues and law.

20 And just to clarify for the record, Your Honor, when I
21 had referred to discussions earlier, I meant internally within
22 the Plaintiffs' counsel team.

23 THE COURT: Oh, okay.

24 MR. SCHWIEP: But we do, Your Honor, believe that some
25 exchange of documents would be helpful.

1 And if I could just provide one example.

2 THE COURT: All right.

3 MR. SCHWIEP: In the Kevin Giles' declaration that was
4 attached to the Federal Defendants' response, there was a
5 reference to a 287(g) agreement -- which I know Your Honor is
6 familiar with.

7 But it's unclear from that declaration -- and it's been
8 unclear from the Defendants' filings -- whether, for instance,
9 there is such an agreement as between Defendant Division of
10 Emergency Management and any of the Federal Defendants.

11 So that is why I would suggest in advance of the
12 hearing that -- it would be useful if the parties could
13 exchange some exhibits or documents they attempt to...

14 THE COURT REPORTER: Judge...

15 THE COURT: Slow down if you would.

16 MR. SCHWIEP: On our side, Judge, we have sent FOIA
17 requests to the Federal agencies, and we've sent public records
18 requests under the Sunshine Act to the State agencies.

19 We haven't gotten documents back, and so we're a little
20 bit of -- flying blind -- and that is why I think it would be
21 useful to have some exchange of whatever materials the Federal
22 and State Defendants are going to rely on -- in support of the
23 argument that this is entirely a State initiative without any
24 Federal involvement or entanglement.

25

1 MR. PANUCCIO: Your Honor, if I may briefly respond
2 just to make sure the record is clear.

3 THE COURT: All right.

4 MR. PANUCCIO: So, on the one hand my friend says
5 that they're not seeking to enjoin anything related to the
6 Immigration -- that's just not true, Your Honor -- this is
7 their docket entry 40.

8 The relief they request is as follows: A temporary
9 restraining order enjoining the Defendants from -- requiring
10 Defendants from causing the transport of additional detainees
11 to the site and ceasing any operations related to detaining or
12 preparing for the detention of anyone not detained at the site.

13 I mean, Your Honor, that is quintessential Immigration
14 related activity.

15 THE COURT: Well, I think that would be like -- and I
16 cannot think of an exact -- but let's say you had a training
17 center out "there" for Immigration agents and you were busing
18 them in from around the country.

19 That doesn't have anything to do with what's happening
20 with Immigration; it has to do with the fact that this is
21 happening out in the middle of the Everglades without an
22 appropriate EIS.

23 I cannot order and I am not here to weigh in on the
24 decision one way or another.

25

1 I am here to determine if the appropriate protocol was
2 entered into before the decision was made to put the facility
3 there.

4 So while I understand that you are focusing on that
5 language, Mr. Panuccio, it would be whatever activity was
6 happening out there that the Plaintiffs would be asking to
7 enjoin so there would be no additional environmental impact or
8 some unknown environmental impact because there has been no
9 environmental assessment.

10 And, Mr. Schwiep, if I am putting words in your mouth
11 then please let me know.

12 You are not addressing the detention decision itself;
13 you are not asking me to get into Immigration matters as to
14 detention decision or anything like that?

15 MR. SCHWIEP: No, Your Honor, we certainly do not
16 intend that. We are well aware of the limitations on -- the
17 limits on injunctive relief that apply to the Court under
18 1231(f).

19 And we're certain that the Court could craft an
20 injunction that in no way restrains the Federal Defendants'
21 ability to continue to enforce Title VIII in terms of any
22 apprehension decisions, detention decisions, removability
23 determinations or deportations.

24 All of that can occur, just not at this site, without
25 compliance with equally important Federal laws.

1 Including the National Environmental Policy Act.

2 THE COURT: Mr. Panuccio does bring up a good point I
3 think. Your renewed motion at docket entry 40 -- and I am not
4 entirely clear -- have you changed somewhat or modified your
5 original request at docket entry five?

6 MR. SCHWIEP: Yes, Your Honor -- and that's a good
7 question -- at the time that we filed at docket entry five on
8 June 27th there were no detainees that were being held at the
9 site; it was all prospective at that time.

10 And what we sought -- along with the proposed order
11 that we submitted with docket entry five -- was to prevent the
12 Federal Defendants in the State from transporting non-citizens
13 onto that site and to stop any further construction activities
14 at the site until there was NEPA compliance.

15 Recognizing, Your Honor, that since the time we filed
16 at docket entry five -- our original TRO motion -- things have
17 changed. It appears to us -- and based on reported accounts --
18 that non-citizens have been surged into that site.

19 The latest number we heard was around 900; with a view
20 towards possibly moving 3000 folks onto the site.

21 We limited and tried to narrowly tailor the request
22 that we're seeking today. And so I have heard Your Honor --
23 but this would be what we request -- that no further detainees
24 be brought onto the site and that no further construction
25 activities be permitted at the site.

1 So essentially, Your Honor, we would just hold the
2 status quo as of today; and then allow us to go forward with
3 our injunction hearing within 14 days.

4 And if I could just very briefly say two things about
5 that, Your Honor...

6 THE COURT: No one ever means that -- ever in the
7 history of litigation -- no one ever means briefly.

8 MR. SCHWIEP: Of course.

9 THE COURT: All right -- I am somewhat teasing you --
10 but I just wanted to let you know that I am onto you all.

11 MR. SCHWIEP: Your Honor, I believe that there has
12 been -- the change in circumstance is of course significant --
13 and so I believe bears noting this afternoon.

14 As I said, it has been widely reported that since the
15 time of our filing at least 900 detainees have been moved onto
16 the site; and the reporting has been that the situation for
17 those detainees is dire.

18 There have been reports about flooded facilities and
19 toilets that do not work, food that spoils, sweltering heat,
20 non-potable water...

21 THE COURT: Let me stop you, counsel, because that is
22 not before me. To the extent that any of the sewage is not
23 being contained appropriately and is going into the water
24 supply and affecting the aquifer, then that is something this
25 lawsuit would address.

1 But as to the conditions of the migrants, I believe
2 Judge Ruiz, who is right across the hall from me, he has the
3 lawsuit addressing those issues; and so those arguments would
4 best be directed to him.

5 But I do understand, Mr. Schwiep, that we are at a
6 different place now than when you first filed suit. There were
7 no individuals out there at that time and no construction had
8 been had as of yet.

9 But this is the case that I have, and I think the
10 schedule that I have proposed addresses all of the issues that
11 I have been given to review in as quickly a timeframe as
12 humanly possible.

13 MR. SCHWIEP: Thank you, Your Honor.

14 MR. RAURELL: Your Honor, this is Carlos Raurell for
15 the Federal Defendants.

16 May I be heard very briefly? And I do mean, very
17 briefly.

18 THE COURT: Sure.

19 MR. RAURELL: I don't have that much, Your Honor, but
20 I would just like to put on record that the Federal Defendants
21 will be availing themselves of an opportunity to file a reply
22 on the issue of venue--

23 THE COURT: Stop, stop, stop. You need to slow down,
24 Mr. Raurell, because you are a very rapid speaker. Ms. Sanders
25 needs to be able to take down what it is you are saying.

1 MR. RAURELL: My apologies to Ms. Sanders.

2 THE COURT: You may proceed; but slowly.

3 MR. RAURELL: Your Honor, the Federal Government
4 Defendants will be availing themselves of the opportunity to
5 file a reply on the issue of venue.

6 And just to somewhat expand upon the preliminary
7 jurisdictional issues that Mr. Panuccio cited -- and that have
8 been teed up by the papers -- we believe really obviate or at
9 least we believe should be answered, should be resolved before
10 there's an evidentiary hearing; whether there has been a final
11 agency action that could be reviewed under the APA.

12 And you had discussed impact just a moment ago. The
13 appropriate impact cannot be decided without determining what
14 the final agency action was.

15 So I just wanted to say that the Federal Defendants
16 think that an evidentiary hearing is premature potentially both
17 for the venue reason, but also because there is this important
18 issue about a final agency action.

19 Thank you, Your Honor.

20 THE COURT: Thank you, Mr. Raurell. I do note that
21 that has been raised in the papers.

22 As to your reply to venue, I would also ask that you
23 file by the 25th, this Friday, so that I have a fully ripe
24 motion to discuss with all of you on the 28th.

25

1 The final agency action I believe is subject to
2 discussion -- which is why a hearing is necessary -- and as I
3 said, I am sure I will be given either witness testimony or
4 some exhibits which go to the positions of the parties.

5 So to repeat, I would ask that the replies by either
6 Co-defendants or the Plaintiffs on venue be filed by the 25th,
7 and I will see all of you here on the 28th at 10 o'clock to
8 discuss venue.

9 The preliminary injunction hearing will be scheduled
10 for August sixth at nine o'clock unless you hear otherwise from
11 me. Other than those matters, everyone can take a moment and
12 refrain from supplements and the like.

13 If the Eleventh Circuit -- well, no, I guess they're on
14 vacation -- if a "Circuit" comes out with a decision you feel
15 is squarely on point, obviously I am interested in that.

16 But otherwise, I would like all of your focus to be on
17 the issues we already have fully briefed.

18 MR. SCHWIEP: Did Your Honor say the venue hearing was
19 being held on the 28th or the 30th?

20 THE COURT: I'm sorry if I misspoke; on the 30th.

21 MR. SCHWIEP: Thank you, Your Honor.

22 THE COURT: The 30th is the Wednesday, yes?

23 MR. SCHWIEP: Yes, Your Honor.

24 MR. PANUCCIO: And, Your Honor, I also have just one
25 clarification if I might.

1 THE COURT: Of course.

2 MR. PANUCCIO: I thought you said -- I thought earlier
3 you had indicated that the Plaintiffs would file their papers
4 on venue and then it was optional if we wanted to reply.

5 We do not have to; is that right?

6 THE COURT: You are correct.

7 MR. PANUCCIO: And I thought I heard you say -- maybe
8 everything would be due on the 25th -- I just wanted to clarify
9 that Plaintiffs would file on the 25th and then we would file
10 later?

11 THE COURT: Plaintiffs will file their response and
12 then Codefendant, Federal Defendants, will file their response
13 reply.

14 You are not obligated to file a reply, because I will
15 be seeing you Wednesday morning, but if you decide to do so
16 then if you could get it to me by Tuesday afternoon so that I
17 can actually read it that would be great.

18 MR. PANUCCIO: Understood, Your Honor.

19 MR. SCHWIEP: Your Honor, if we receive the Federal
20 Defendants' position on venue on the 25th -- the Plaintiffs
21 receive it on the 25th -- should we deem it necessary may we
22 have until Tuesday afternoon to submit our reply to the Federal
23 Defendants' position?

24 THE COURT: Yes, yes. But, again, I am going to be
25 seeing everybody on Wednesday the 30th.

1 But, yes, you may do so. Let me clear, Tuesday the
2 29th, if anyone has anything more to say, I will need that
3 filed on Tuesday the 29th by three o'clock.

4 MR. PANUCCIO: Thank you, Judge.

5 MR. SCHWIEP: Thank you.

6 THE COURT: All right. Let me say this, I am hopeful
7 that I will have a decision well before August 6th, but in the
8 eventuality I allow the Miccosukee to join, I will expect them
9 to be present at the August 6th preliminary injunction hearing.

10 I can take up -- depending on when I make a decision
11 about intervention -- I can take up the issue of allowing the
12 Tribe to give their position on the PI; but it will be quick,
13 it will be fast.

14 UNIDENTIFIED SPEAKER: Your Honor, are you planning
15 to hear any argument on the intervention papers or are you
16 going to decide it on the papers?

17 THE COURT: No, I am just going to decide it on the
18 papers.

19 Oh, I see counsel waving his hand. I think you need to
20 un-mute.

21 MR. AJIZIAN: Can you hear me now?

22 THE COURT: Yes; you are un-muted.

23 MR. AJIZIAN: Your Honor, if the Tribe is permitted to
24 intervene, then we will be available on August 6th.

25

1 THE COURT: And if I grant the Tribe's motion, then I
2 suggest in the interim -- if there is some particular area that
3 you think unique to the Tribe or some position that hasn't been
4 emphasized sufficiently -- I would ask you immediately file a
5 motion to present your position; and I'll give you a timeline.

6 MR. AJIZIAN: Thank you, Your Honor.

7 THE COURT: All right. Thank you all for being
8 available this afternoon.

9 I'm sorry about the glitches in getting everyone up on
10 Zoom, but I thought it important for us to set out a schedule
11 and that Zoom was the fastest way to get it accomplished.

12 So, we now have our schedule, and I look forward to
13 hearing from the parties this Friday, and perhaps Tuesday, and
14 seeing you all next Wednesday at 10 o'clock.

15 We are adjourned.
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C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of proceedings in the above-entitled matter.

/S/PATRICIA SANDERS

DATE FILED

PATRICIA SANDERS, RPR

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